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8 *Attorneys for James M. Rhodes*

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11 **UNITED STATES BANKRUPTCY COURT**

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13 **DISTRICT OF NEVADA**

14 In re:

15 THE RHODES COMPANIES, LLC, aka  
16 "Rhodes Homes," et al.,

17 Reorganized Debtors

18 Case No.: 09-14814-LBR  
(Jointly Administered)

19 Chapter 11

20 **JAMES RHODES' NOTICE OF  
21 APPEAL**

22  Affects all Debtors

23  Affects the following Debtors

24 Pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 *et seq.*, James M. Rhodes  
25 ("Rhodes"), through counsel, hereby appeals from the *Order Sustaining Reorganized Debtors'*  
26 *Objection to James Rhodes' Entitlement to the Tax Claim Found in Proof of Claim No. 814-33*  
27 (the "Order") entered in this case by the Honorable Linda B. Riegle on November 16, 2010  
28 [Docket No. 1318], a true and correct copy of which is attached hereto.

29 The names of all parties to the order appealed from and the names, addresses, and  
30 telephone numbers of their respective attorneys are as follows:

31

	<u>Party</u>	<u>Attorneys</u>
1		
2	Reorganized Debtors	Nile Leatham Natalie M. Cox Kolesar & Leatham, CHTD 3320 West Sahara Avenue, Suite 380 Las Vegas, Nevada 89102-3202 Telephone No. (702) 362-7800 Facsimile No. (702) 362-9472 E-Mail: <a href="mailto:nleatham@klnevada.com">nleatham@klnevada.com</a> <a href="mailto:ncox@klnevada.com">ncox@klnevada.com</a>
3		
4		
5		
6		
7		
8		Philip C. Dublin Abid Qureshi Meredith A. Lahaie
9		Akin Gump Strauss Hauer & Feld LLP One Bryant Park New York, NY 10036 Telephone No. (212) 872-1000 Facsimile No. (212) 872-1002 E-Mail: <a href="mailto:pdublin@akingump.com">pdublin@akingump.com</a> <a href="mailto:aqureshi@akingump.com">aqureshi@akingump.com</a> <a href="mailto:mlahaie@akingump.com">mlahaie@akingump.com</a>
10		
11		
12		
13		
14		

15 Other interested parties to this appeal may include the following:

16	U.S. Trustee	Edward M. McDonald Office of the U.S. Trustee 300 Las Vegas Blvd., So. STE 4300 Las Vegas, Nevada 89101 Telephone No. (702) 388-6600 E-Mail: <a href="mailto:edward.m.mcdonald@usdoj.gov">edward.m.mcdonald@usdoj.gov</a>
17		
18		
19		

20 DATED this 30<sup>th</sup> day of November, 2010.

21

22 /s/ Kevin N. Anderson

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23 Kevin N. Anderson  
FABIAN & CLENDENIN  
24 *Attorneys for James M. Rhodes*

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**EXHIBIT A**



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3      Entered on Docket  
4      November 16, 2010



Hon. Linda B. Riegle  
United States Bankruptcy Judge

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6  
7  
8      NILE LEATHAM, ESQ.  
9      Nevada Bar No. 002838  
10     NATALIE M. COX, ESQ.  
11     Nevada Bar No. 007662  
12     KOLESAR & LEATHAM, CHTD.  
13     3320 West Sahara Avenue, Suite 380  
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17     E-Mail: nleatham@klnevada.com  
18     ncox@klnevada.com

19     PHILIP C. DUBLIN (NY Bar No. 2959344)  
20     ABID QURESHI (NY Bar No. 2684637)  
21     MEREDITH A. LAHAIE (NY Bar No. 4518023)  
22     AKIN GUMP STRAUSS HAUER & FELD LLP  
23     One Bryant Park  
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27     E-Mail: pdublin@akingump.com  
28     aqureshi@akingump.com  
29     mlahaie@akingump.com

30     *Counsel for Reorganized Debtors*

31     *Counsel for Reorganized Debtors*

32     **UNITED STATES BANKRUPTCY COURT**

33     **DISTRICT OF NEVADA**

34     **IN RE:**

35     **THE RHODES COMPANIES,  
36     LLC, aka "Rhodes Homes," et al.,**

37     **Reorganized Debtors.<sup>1</sup>**

38     **Case No. 09-14814-LBR  
(Jointly Administered)**

39     **Chapter 11**

40     **Hearing Date: 11/4/2010  
41     Hearing Time: 9:30 a.m. (PST)  
42     Courtroom 1**

43     <sup>1</sup> The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax  
44     identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC  
45     (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281);  
46     Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf  
47     and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany  
48     Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design  
49     and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090);  
50     Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC  
51     (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited  
52     Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897);  
53     Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

Affects:  
All Debtors  
Affects the following  
Debtor(s)

§§§§§

**ORDER SUSTAINING REORGANIZED DEBTORS'  
OBJECTION TO JAMES RHODES' ENTITLEMENT TO THE TAX CLAIM  
FOUND IN PROOF OF CLAIM NO. 814-33**

7       Upon consideration of the pleadings filed by the parties with respect to this matter;  
8 and the Court having jurisdiction to consider the Reorganized Debtors' Objection<sup>2</sup> and the  
9 relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested  
10 therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper  
11 before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed  
12 the Reorganized Debtors' Objection; the Court hereby finds and determines that, pursuant to  
13 Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been  
14 provided to the holder of the Proof of Claim attached as Exhibit A to the Reorganized  
15 Debtors' Objection and all other parties entitled to notice; and no other or further notice is  
16 necessary; therefore IT IS HEREBY ORDERED THAT:

17       1. For the reasons stated on the record at the hearing held on November 4, 2010,  
18 the Tax Claim in the total amount of \$9,729,151 is hereby disallowed and expunged from  
19 the Debtors' claims register;

20           2. With respect to the remaining claims, there will be a status conference on  
21 December 17, 2010 at 9:30 a.m., which counsel may attend telephonically; and

22       3. This Court shall retain jurisdiction to hear and determine all matters arising  
23 from the implementation of this Order.

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Objection.

1 || PREPARED AND SUBMITTED BY:

2

3 By: 

4

NILE LEATHAM, ESQ.  
Nevada Bar No. 002838  
NATALIE M. COX, ESQ.  
Nevada Bar No. 007662  
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6 and

7 PHILIP C. DUBLIN (NY Bar No. 2959344)  
8 ABID QURESHI (NY Bar No. 2684637)  
9 MEREDITH A. LAHAIE (NY Bar No. 4518023)  
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mlahaie@akingump.com

16 *Counsel for Reorganized Debtors*

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AKIN GUMP STRAUSS HAUER & FELD LLP  
One Bryant Park  
New York, New York 10036  
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1    LR 9021(c) Certification:2    In accordance with LR 9021, counsel submitting this document certifies that the order  
3    accurately reflects the court's ruling and that (check one):4     The court has waived the requirement set forth in LR 9021(b)(1).5     No party appeared at the hearing or filed an objection to the motion.6     I have delivered a copy of this proposed order to all counsel who appeared at the  
7    hearing, and any unrepresented parties who appeared at the hearing, and each has  
8    approved or disapproved the order, or failed to respond, as indicated below [list each  
9    party and whether the party has approved, disapproved, or failed to respond to the  
10   document]:

11 <u>Party</u>	12 <u>Approved</u>	13 <u>Disapproved</u>	14 <u>Failed to Respond</u>
15 <u>Edward M. McDonald, Esq.,</u> <u>Office of the U.S. Trustee</u>	16    _____	17    _____	18 <u>X</u>
19 <u>Kevin N. Anderson, Esq.</u>	20 <u>X</u>	21    _____	22    _____
23    _____	24    _____	25    _____	26    _____
27    _____	28    _____	29    _____	30    _____

14     I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order  
15    with the motion pursuant to LR 9014(g), and that no party has objected to the form or  
16    content of the order.

17    # # #

# CERTIFICATE OF NOTICE

District/off: 0978-2  
Case: 09-14814

User: lyonsmk  
Form ID: pdf928

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 01, 2010

The following entities were noticed by first class mail on Dec 03, 2010.

+PHILIP C DUBLIN, ABID QURESHI, MEREDITH A LAHAIE, AKIN GUMP STRAUSS HAUER & FELD LLP,  
ONE BRYANT PARK, NEW YORK, NY 10036-6728

The following entities were noticed by electronic transmission.

NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 03, 2010

Signature:

